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In re Application of :
CHOW, David R. *et al* :
U.S. Application No.: 10/500,395 :
PCT No.: PCT/US02/41444 :
Int. Filing Date: 27 December 2002 :
Priority Date: 27 December 2001 :
Docket No.: 285-237 PCT US :
For: BONE FASTENERS AND METHOD OF :
STABILIZING VERTEBRAL BONE :
FACETS USING THE BONE :
FASTENERS :

**DECISION ON
PETITION FOR REVIVAL
UNDER 37 CFR 1.137(b)**

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 24 June 2005. A review of the subject application reveals it is not abandoned.

Accordingly, applicants' petition to revive is **DISMISSED** as **MOOT**.

The Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) mailed 26 November 2004 provided applicants two months to submit a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Extensions of time were available pursuant to 37 CFR 1.136(a) which authorizes up to five months. Thus, the deadline to provide a declaration and surcharge fee was 27 June 2005 (26 June 2005 was a Sunday).

In this case, applicants submitted a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee on 24 June 2005 along with a transmittal letter authorizing that any additional fees required be charged to Deposit Account No. 04-1121. This is treated as a request for a five-month extension of time request which has been granted.

The five-month extension fee of \$1,080.00 for a small entity has been charged to counsel's Deposit Account as authorized. Applicants' petition to revive fee of \$750.00 has been credited back to counsel's Deposit Account.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371. The application has an international filing date of 27 December 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 24 June 2005.

This application is being forwarded to the National Stage Processing Division of the

Office of PCT Operations for continued processing.

A handwritten signature in black ink, appearing to read "James Thomson". The signature is fluid and cursive, with the first name "James" and last name "Thomson" clearly distinguishable.

James Thomson

Attorney Advisor

Office of PCT Legal Administration

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